

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 08-45 (As Amended)

Introduced by Council President Boniface at the request of the County Executive

Legislative Day No. 08-21 Date August 19, 2008

AN ACT to repeal, in its entirety, the Harford County Subdivision Regulations; and to add new Chapter 268, Subdivision Regulations, to the Harford County Code, as amended; to provide for the revision, update and codification of subdivision regulations.

By the Council, August 19, 2008

Introduced, read first time, ordered posted and public hearing scheduled

on: September 16, 2008

at: 6:00p.m.

By Order: Barbara J. O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on September 16 & 23, 2008 and concluded on September 23, 2008.

Barbara J. O'Connor, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that the Harford
2 County Subdivision Regulations be, and it is hereby, repealed, in its entirety, and that new Chapter 268,
3 Subdivision Regulations, be, and it is hereby, added to the Harford County Code, as amended, all to
4 read as follows:

5 **CHAPTER 268. SUBDIVISION REGULATIONS**

6 **ARTICLE I. GENERAL PROVISIONS**

7 **§ 268-1. TITLE.**

8 THIS PART SHALL BE KNOWN AND CITED AS THE HARFORD COUNTY
9 SUBDIVISION REGULATIONS. THE SUBDIVISION REGULATIONS SHALL INCLUDE THE
10 TEXT AND REGULATIONS AND ANY AMENDMENTS THERETO.

11 **§ 268-2. LEGISLATIVE AUTHORITY.**

12 THIS PART IS ADOPTED PURSUANT TO ARTICLE 25A OF THE ANNOTATED
13 CODE OF MARYLAND AND THE CHARTER.

14 **§ 268-3. PURPOSE.**

15 THE PURPOSE OF THE SUBDIVISION REGULATIONS IS TO ESTABLISH
16 PROCEDURES AND STANDARDS FOR THE DEVELOPMENT AND SUBDIVISION OF
17 LAND WITHIN HARFORD COUNTY. IT IS FURTHER DESIGNED TO PROVIDE FOR THE
18 ORDERLY GROWTH AND DEVELOPMENT OF THE COUNTY FOR THE COORDINATION
19 OF STREETS AND HIGHWAYS WITHIN PROPOSED SUBDIVISIONS WITH EXISTING OR
20 PLANNED STREETS AND HIGHWAYS AND WITH OTHER PUBLIC FACILITIES, FOR THE
21 DEDICATION OR RESERVATION OF RECREATION AND OTHER PUBLIC USE AREAS
22 SERVING RESIDENTS OF THE IMMEDIATE NEIGHBORHOOD WITHIN THE SUBDIVISION
23 AND RIGHTS-OF-WAY OR EASEMENTS FOR STREET AND UTILITY PURPOSES; AND
24 FOR THE DISTRIBUTION OF POPULATION AND TRAFFIC IN A MANNER THAT WILL

1 AVOID CONGESTION AND OVERCROWDING AND WILL CREATE CONDITIONS
2 COMPATIBLE WITH PROTECTION OF THE PUBLIC HEALTH, SAFETY AND THE
3 GENERAL WELFARE, WATER QUALITY AND AREAS OF SIGNIFICANT/SPECIAL
4 NATURAL FEATURES. THESE REGULATIONS ARE DESIGNED TO FACILITATE
5 ADEQUATE PROVISION FOR WATER, SEWERAGE, PARKS AND SCHOOLS.

6 **§ 268-4. AREA OF AUTHORITY.**

7 THESE REGULATIONS GOVERN ALL AREAS WITHIN HARFORD COUNTY
8 EXCEPT THOSE WITHIN INCORPORATED MUNICIPALITIES.

9 **§ 268-5. DEFINITIONS.**

10 UNLESS OTHERWISE STATED HEREIN, DEFINITIONS SHALL BE PER §267-4
11 (DEFINITIONS) OF THE HARFORD COUNTY ZONING CODE, AS AMENDED.

12 **ARTICLE II. SUBDIVISION CONTROL**

13 **§ 268-6. SUBDIVIDER SHALL PREPARE AND RECORD PLAT.**

14 ANY OWNER OF ANY TRACT OF LAND IN HARFORD COUNTY WHO
15 SUBDIVIDES THE SAME SHALL CAUSE A PLAT OF SUCH SUBDIVISION TO BE MADE IN
16 ACCORDANCE WITH THE PROVISIONS SET FORTH IN THESE REGULATIONS, AND A
17 COPY OF SAID PLAT SHALL BE RECORDED IN THE OFFICE OF THE CLERK OF THE
18 CIRCUIT COURT OF HARFORD COUNTY.

19 **§ 268-7. TRANSFERS, SALES AND BUILDING PERMITS.**

20 NO LOT IN A SUBDIVISION OR ANY SECTION THEREOF SHALL BE
21 TRANSFERRED, NOR SHALL A BUILDING PERMIT BE ISSUED FOR A STRUCTURE
22 THEREON, UNTIL A FINAL PLAT OF SUCH SUBDIVISION OR ANY SECTION THEREOF
23 HAS BEEN RECORDED IN ACCORDANCE WITH THESE REGULATIONS.

§ 268-8. SUBDIVISION WAIVERS.

ADJUSTMENT TO A BOUNDARY LINE ON ANY UNRECORDED PARCEL IN HARFORD COUNTY, WHICH DOES NOT CREATE NEW/ADDITIONAL PARCELS, MAY BE ACCOMPLISHED VIA A SUBDIVISION WAIVER. ALL SUBDIVISION WAIVERS WILL BE REVIEWED FOR APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING. A METES AND BOUNDS SURVEY AND COPY OF THE DEED WILL BE REQUIRED FOR SUBMITTAL AND REVIEW WITH THE WAIVER REQUEST.

ARTICLE III. REQUIREMENTS FOR THE DEVELOPMENT OF LAND

§ 268-9. GENERAL.

A. NO PART OF ANY PLANNED SUBDIVISION OF LAND THAT WILL BE SERVED BY A COMMUNITY OR MULTI-USE SEWERAGE SYSTEM, AS DEFINED BY THE STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, WILL BE FINALLY APPROVED BY THE COUNTY IF THE TOTAL PLANNED SUBDIVISION WILL GENERATE 5,000 GALLONS OF AVERAGE DAILY SEWAGE FLOW, UNLESS THAT PART OF THE SUBDIVISION TO BE RECORDED AND ITS RESPECTIVE SEWERAGE SYSTEM IS IN, AT LEAST, AN "IMMEDIATE PRIORITY" SEWER SERVICE AREA IN THE HARFORD COUNTY MASTER PLAN FOR WATER AND SEWER. A DETERMINATION OF THE AMOUNT OF AVERAGE DAILY SEWAGE FLOW BY THE HARFORD COUNTY DEPARTMENT OF PUBLIC WORKS SHALL BE FINAL AS TO THE DEVELOPER FOR THE PURPOSES OF THIS SECTION. WATER AND SEWER FACILITIES ARE HIGHLY DEPENDENT ON THE TOPOGRAPHY TO PROVIDE EFFECTIVE AND EFFICIENT UTILITY SERVICES. IF REQUIRED, BY THE DIRECTOR OF PUBLIC WORKS, DRAINAGE AND UTILITY EASEMENTS

1 SHALL BE PROVIDED BETWEEN LOTS WIDER THAN THE MINIMUM SIDE YARD
2 WIDTHS ALLOWED BY THE HARFORD COUNTY ZONING CODE, AS AMENDED.

3 THIS REQUIREMENT MAY NECESSITATE WIDER LOTS AT THESE LOCATIONS.

4 B. THE SUBDIVISION LAYOUT SHALL CONFORM TO THE MASTER PLAN AND
5 ZONING CODE OF HARFORD COUNTY, AS AMENDED.

6 C. ALL SUBDIVISION OF LAND SHALL CONFORM TO THE FLOODPLAIN
7 MANAGEMENT REGULATIONS IN CHAPTER 131 OF THE HARFORD COUNTY
8 CODE, AS AMENDED.

9 **§ 268-10. CHESAPEAKE BAY CRITICAL AREA OVERLAY DISTRICT.**

10 IN ADDITION TO ALL OTHER REQUIREMENTS, ALL SUBDIVISION OF LAND
11 WHICH LIES WITHIN THE AREA DESIGNATED AS THE CHESAPEAKE BAY CRITICAL
12 AREA OVERLAY DISTRICT SHALL ALSO MEET ALL REQUIREMENTS OF §267-63
13 (CHESAPEAKE BAY CRITICAL AREA OVERLAY DISTRICT) OF THE HARFORD COUNTY
14 ZONING CODE, AS AMENDED.

15 **§ 268-11. STREETS AND ROADS.**

16 A. STREETS AND ROADS SHALL CONFORM TO THE HARFORD COUNTY
17 TRANSPORTATION ELEMENT PLAN.

18 B. WHEREVER A TRACT OF LAND TO BE SUBDIVIDED INCLUDES ANY PART OF A
19 ROAD INDICATED ON THE TRANSPORTATION ELEMENT PLAN, THE LOCATION,
20 TYPE AND CONSTRUCTION OF SUCH ROAD SHALL BE INCORPORATED BY THE
21 SUBDIVIDER IN THE LAYOUT PLAN.

22 C. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION B, WHEN A TRACT OF
23 LAND TO BE SUBDIVIDED ABUTS AN EXISTING COUNTY ROAD, THE

1 SUBDIVIDER SHALL, AS A CONDITION OF SUBDIVISION APPROVAL, DEED TO
2 THE COUNTY A ROAD IMPROVEMENT RIGHT-OF-WAY APPROPRIATE TO THE
3 ROAD AND ITS FUNCTIONAL CLASSIFICATION. WHEN THE TRACT FRONTS
4 ALONG ONE SIDE OF THE EXISTING ROAD, THE SUBDIVIDER SHALL DEED $\frac{1}{2}$ OF
5 THE REQUIRED RIGHT-OF-WAY, GENERALLY CALCULATED FROM THE
6 CENTER LINE OF THE EXISTING ROAD. TITLE TO ROAD IMPROVEMENT
7 RIGHTS-OF-WAY SHALL BE GOOD AND MARKETABLE AND FREE OF
8 FINANCIAL LIENS.

9 **§ 268-12. IMPROVEMENTS.**

10 A. FOR THE PURPOSE OF THIS SECTION, THE TERM "SUBDIVISION" SHALL NOT
11 INCLUDE A DIVISION OF LAND WHICH CREATES OR PERMITS A RESIDENTIAL
12 OR AGRICULTURAL SUBDIVISION NOT EXCEEDING 5 LOTS, INCLUDING LOTS
13 AROUND EXISTING DWELLINGS, FROM A PARCEL OR TRACT OF LAND AS IT
14 EXISTED ON FEBRUARY 8, 1977.

15 B. FOR THE PURPOSES OF THIS SECTION, "DEVELOPMENT" DOES NOT INCLUDE:

- 16 (1) THE USE OF LAND FOR AGRICULTURE; AND
17 (2) THE CONSTRUCTION, RECONSTRUCTION, ALTERATION OR
18 ENLARGEMENT OF A SINGLE-FAMILY RESIDENCE ON AN EXISTING LOT
19 OR PARCEL.

20 C. NO SUBDIVISION OR DEVELOPMENT SHALL BE APPROVED UNLESS IT
21 DIRECTLY ACCESSES TO AN EXISTING PAVED ROAD NETWORK. ALL ROADS
22 PROVIDING ACCESS FROM A SUBDIVISION/DEVELOPMENT TO AN EXISTING
23 PAVED COUNTY OR STATE ROAD SHALL BE CONSTRUCTED TO THE

1 APPROPRIATE COUNTY ROAD SPECIFICATIONS BY THE
2 SUBDIVIDER/DEVELOPER, IF THE SUBDIVIDER/DEVELOPER DESIRES TO
3 PROCEED WITH THE PROJECT PRIOR TO THE COUNTY'S PERFORMING THE
4 REQUIRED CONSTRUCTION PURSUANT TO THE COUNTY'S CAPITAL
5 IMPROVEMENTS PROGRAM. IF A DEVELOPER DECIDES TO UNDERTAKE
6 CONSTRUCTION, A PUBLIC WORKS AGREEMENT SHALL BE EXECUTED AS
7 REQUIRED BY LAW.

8 D. CONSTRUCTION OF ACCESS ROAD. ANY NEW OR EXISTING ROAD
9 RIGHT-OF-WAY OR ACCESS WAY, LEADING FROM AN EXISTING COUNTY OR
10 STATE ROAD TO THE PROPOSED PROJECT AND ALL INTERNAL ROADS,
11 INCLUDING STUB ROADS, SHALL BE CONSTRUCTED OR IMPROVED TO THE
12 PRESCRIBED WIDTH AND ROAD CONSTRUCTION, AS SET FORTH IN THE
13 SUBDIVISION REGULATIONS OF HARFORD COUNTY AND THE HARFORD
14 COUNTY ROAD CODE, AS AMENDED.

15 E. FRONTAGE IMPROVEMENTS.

16 (1) PROPOSED DEVELOPMENTS, INCLUDING RESIDENTIAL, BUSINESS,
17 INDUSTRIAL OR INSTITUTIONAL DEVELOPMENTS OR SUBDIVISIONS TO
18 BE CONSTRUCTED ALONG EXISTING COUNTY ROADWAYS WILL BE
19 REQUIRED TO IMPROVE COUNTY ROADWAYS ALONG THEIR PROPERTY
20 IN ORDER TO PROVIDE SAFE INGRESS AND EGRESS TO THE SITE AND
21 TO MITIGATE THE IMPACT OF THAT DEVELOPMENT. SHOULD
22 CONSTRUCTION OF THE ROADWAY BE CONSIDERED INFEASIBLE AT
23 THE TIME OF DEVELOPMENT, THE DEVELOPER MAY DEPOSIT THE

1 ESTIMATED CONSTRUCTION COST IN AN ACCOUNT WITH HARFORD
2 COUNTY FOR THE FUTURE IMPROVEMENTS OF THAT ROADWAY TO
3 THE DESIGNATED COUNTY ROAD STANDARDS.

4 (2) FRONTAGE IMPROVEMENTS MAY BE REQUIRED WHEN A PARCEL OF
5 LAND IS SUBDIVIDED OR DEVELOPED FOR PURPOSES OF CREATING:

- 6 (A) ANY BUSINESS, INDUSTRIAL OR INSTITUTIONAL USE;
7 (B) ANY RESIDENTIAL USE FOR MORE THAN 5 DWELLING UNITS; OR
8 (C) ANY TRANSIENT HOUSING USE WITH MORE THAN 5 GUEST
9 ROOMS.

10 (3) THE EXTENT OF THE ROAD IMPROVEMENTS REQUIRED PURSUANT TO
11 THIS SECTION SHALL BE DETERMINED BY THE DEPARTMENT OF
12 PLANNING AND ZONING WITH THE CONCURRENCE OF THE
13 DEPARTMENT OF PUBLIC WORKS AT THE TIME OF PRELIMINARY PLAN
14 APPROVAL.

15 (4) CONSTRUCTION OF ROAD IMPROVEMENTS SHALL BE REQUIRED OF A
16 PROPERTY OWNER PURSUANT TO THIS SECTION, IF 1 OR MORE OF THE
17 FOLLOWING IS APPLICABLE:

- 18 (A) THE ADDITIONAL TRAFFIC TO BE PLACED ON THE ROADWAY IS
19 DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT AND
20 NECESSITATES ADDITIONAL IMPROVEMENTS TO THE ROAD;
21 (B) THE PRESENT ROAD CONDITION IS NOT ADEQUATE TO HANDLE
22 THE TRAFFIC TO BE GENERATED BY THE PROPOSED
23 DEVELOPMENT; OR

1 (C) THE ROAD IMPROVEMENTS WOULD OTHERWISE BENEFIT THE
2 SUBDIVISION AND ARE RELATED TO THE PROTECTION OF THE
3 HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS
4 OF THE SUBDIVISION.

5 (5) TIMING OF REQUIREMENTS FOR ROAD, SANITARY AND OTHER
6 IMPROVEMENTS. THE MINIMUM IMPROVEMENTS WHICH A
7 SUBDIVIDER/DEVELOPER WILL BE REQUIRED TO MAKE, OR ENTER
8 INTO AGREEMENTS TO MAKE, SHALL BE COMPLETED IN FULL
9 COMPLIANCE WITH THE REQUIREMENTS, STANDARDS AND
10 SPECIFICATIONS AS CONTAINED IN THE HARFORD COUNTY CODE,
11 SUBDIVISION REGULATIONS AND ROAD CODE, ALL AS AMENDED.
12 NOTHING, HOWEVER, SHALL BE CONSTRUED TO PROHIBIT THE
13 SUBDIVIDER/DEVELOPER FROM CONSTRUCTING IMPROVEMENTS OF A
14 HIGHER TYPE THAN THE MINIMUM REQUIRED BY SUCH REGULATIONS.
15 IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE
16 FOLLOWING:

17 (A) ALL IMPROVEMENTS SHALL BE COMPLETED PRIOR TO
18 RECORDATION OF THE FINAL PLAT OF THE SUBDIVISION FOR
19 APPROVAL WITH THE DEPARTMENT OF PLANNING AND ZONING.
20 THIS MUST BE IN ACCORDANCE WITH THE SPECIFICATIONS AND
21 UNDER THE SUPERVISION OF THE OFFICIALS HAVING
22 JURISDICTION;

23 (B) IN LIEU OF COMPLETING THE IMPROVEMENTS REQUIRED, THE

1 SUBDIVIDER/DEVELOPER SHALL FURNISH HARFORD COUNTY
2 WITH A CASH DEPOSIT, LETTER OF CREDIT OR PERFORMANCE
3 BOND EXECUTED BY A SURETY COMPANY APPROVED BY THE
4 DEPARTMENT OF LAW AND NAMING HARFORD COUNTY AS
5 SOLE OBLIGEE IN AN AMOUNT SUFFICIENT TO COVER THE COST
6 OF ANY OR ALL IMPROVEMENTS REQUIRED TO BE INSTALLED
7 BY THE SUBDIVIDER AS ESTIMATED BY HARFORD COUNTY. THE
8 POSTED SECURITY SHALL ENSURE THE ACTUAL CONSTRUCTION
9 AND INSTALLATION OF SUCH IMPROVEMENTS; OR

10 (C) UPON THE WRITTEN REQUEST OF THE SUBDIVIDER/DEVELOPER,
11 IN LIEU OF COMPLETING THE IMPROVEMENTS REQUIRED, AND
12 UPON MUTUAL RECOMMENDATION BY THE DEPARTMENT OF
13 PUBLIC WORKS AND DEPARTMENT OF PLANNING AND ZONING
14 AND APPROVAL BY THE DEPARTMENT OF LAW, THE
15 SUBDIVIDER/DEVELOPER SHALL DEPOSIT THE COST, AS
16 ESTIMATED BY HARFORD COUNTY, OF
17 CONSTRUCTING/INSTALLING ANY AND ALL IMPROVEMENTS
18 REQUIRED IN AN INTEREST-BEARING ESCROW ACCOUNT WITH
19 HARFORD COUNTY, THEREBY INSURING THE ACTUAL
20 CONSTRUCTION/INSTALLATION OF SUCH IMPROVEMENTS. SUCH
21 AN ACCOUNT MAY BE PERMITTED TO BE ESTABLISHED WHEN:

22 [1] THE CONSTRUCTION OF THE ROAD IMPROVEMENT IS
23 CONSIDERED BY THE DEPARTMENT OF PUBLIC WORKS TO

1 BE INFEASIBLE AT THE TIME BECAUSE OF EXISTING
2 PHYSICAL OR TOPOGRAPHIC CONDITIONS, OR THE
3 DEVELOPER/COUNTY IS UNABLE TO ACQUIRE THE
4 NECESSARY RIGHTS-OF-WAY; OR

5 [2] THE COUNTY HAS A PROPOSED CAPITAL PROJECT SET
6 FORTH IN THE CAPITAL IMPROVEMENTS PROGRAM.

7 (6) PHASING. UPON THE MUTUAL RECOMMENDATION OF THE
8 DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF PLANNING
9 AND ZONING, IN SUBDIVISIONS EXCEEDING 100 LOTS THE
10 IMPROVEMENTS MAY BE PHASED OVER A PERIOD OF TIME AND ON A
11 SCHEDULE TO BE DETERMINED BY THE DEPARTMENT OF PUBLIC
12 WORKS AND THE DEPARTMENT OF PLANNING AND ZONING. THE
13 PHASING SCHEDULE SHALL BE INCORPORATED IN THE CONCEPT PLAN
14 APPROVAL FOR PROJECTS REQUIRING CONCEPT PLAN APPROVAL AND
15 IN THE PRELIMINARY PLAN APPROVAL FOR ALL OTHER PROJECTS.

16 **§ 268-13. RIGHTS-OF-WAY.**

17 THE DEVELOPER OR COUNTY WILL ACQUIRE RIGHTS-OF-WAY WHICH ARE
18 NECESSARY TO ACCOMMODATE IMPROVEMENTS REQUIRED BY THESE
19 REGULATIONS.

20 A. TO THE EXTENT SUCH RIGHTS-OF-WAY ARE OWNED BY PERSONS OTHER
21 THAN THE DEVELOPER, HARFORD COUNTY, AT THE DEVELOPER'S REQUEST,
22 SHALL INITIATE NEGOTIATIONS FOR THE REQUIRED RIGHTS-OF-WAY TO BE
23 PAID FOR BY THE DEVELOPER.

1 B. IN THE EVENT HARFORD COUNTY OR THE DEVELOPER IS UNABLE TO OBTAIN
2 THE NECESSARY RIGHTS-OF-WAY THROUGH NEGOTIATIONS, HARFORD
3 COUNTY MAY, AT ITS SOLE EXPENSE, INITIATE CONDEMNATION
4 PROCEEDINGS IN ACCORDANCE WITH SECTION 1-29A, AS AMENDED, OF THE
5 HARFORD COUNTY CODE. THE COUNTY SHALL PAY THE PROPERTY OWNER
6 FOR RIGHTS-OF-WAY ACQUIRED UNDER THIS SECTION.

7 C. TO THE EXTENT LAND REQUIRED FOR SUCH RIGHTS-OF-WAY ARE OWNED BY
8 THE DEVELOPER, THEN SAID RIGHTS-OF-WAY SHALL BE CONVEYED TO THE
9 COUNTY AT NO COST TO THE COUNTY. A TITLE CERTIFICATE CERTIFYING
10 THAT THE GRANTOR IS VESTED WITH GOOD AND MERCHANTABLE TITLE
11 SHALL ACCOMPANY EACH DEED.

12 **§ 268-14. GRANDFATHERING.**

13 THE REQUIREMENTS OF §268-12E(5) (FRONTAGE IMPROVEMENTS) AND §268-13
14 (RIGHTS-OF-WAY) SHALL NOT APPLY TO:

15 A. ANY PROJECT RECEIVING PRELIMINARY APPROVAL PRIOR TO THE EFFECTIVE
16 DATE OF BILL 88-53, AS AMENDED;

17 B. MINOR REVISIONS OF PRELIMINARY PLAN APPROVALS AS DETERMINED BY
18 THE DEPARTMENT OF PLANNING AND ZONING; OR

19 C. MINOR REVISIONS, AS DETERMINED BY THE DEPARTMENT OF PLANNING AND
20 ZONING, OF SUBDIVISION PLATS RECORDED PRIOR TO THE EFFECTIVE DATE
21 OF BILL 88-53, AS AMENDED.

22 **§ 268-15. STREETS.**

23 A. STREETS SHALL CONNECT WITH EXISTING STREETS, WHETHER

1 CONSTRUCTED OR RECORDED, WHERE APPROPRIATE AND SHALL BE
2 ARRANGED TO PROVIDE ACCESS, WHERE NEEDED, IN POSSIBLE ADJOINING
3 SUBDIVISIONS.

4 B. THE STREET PLAN SHALL GIVE SUITABLE RECOGNITION TO EXISTING
5 TOPOGRAPHY AND SHALL PROVIDE FOR GOOD DRAINAGE.

6 C. PROPOSED STREETS SHALL PROVIDE FOR APPROPRIATE CONTINUATION OF
7 ANY EXISTING STREETS (CONSTRUCTED OR RECORDED) THAT COME TO THE
8 BOUNDARY LINE OF ADJOINING PROPERTY, WHERE FEASIBLE, UNLESS
9 OTHERWISE RECOMMENDED BY THE DEPARTMENT OF PUBLIC WORKS.

10 D. WHEREVER DESIRABLE, THE STREET PLAN SHALL INCLUDE A MARGINAL
11 ACCESS STREET OF CONSIDERABLE CONTINUITY GENERALLY PARALLEL TO
12 AND NEAR ANY MAIN THOROUGHFARE OR CONTROLLED-ACCESS HIGHWAY.

13 E. STREETS ORDINARILY SHALL INTERSECT AS NEARLY AT RIGHT ANGLES AS IS
14 PRACTICAL.

15 F. CUL-DE-SAC OR DEAD END STREETS, MORE THAN 600 FEET IN LENGTH, MAY
16 BE APPROVED WHERE NECESSITATED BY TOPOGRAPHY OR WHERE, IN THE
17 JUDGMENT OF THE DIRECTOR OF PLANNING, IN CONSULTATION WITH THE
18 DIRECTOR OF PUBLIC WORKS, THEY ARE APPROPRIATE FOR THE TYPE OF
19 DEVELOPMENT CONTEMPLATED. A TURNAROUND SHALL BE PROVIDED AT
20 THE END OF SUCH A STREET.

21 G. MINOR RESIDENTIAL STREETS SHOULD BE SO PLANNED AS TO DISCOURAGE
22 USE BY NON-LOCAL TRAFFIC.

23 H. WHERE A NEW SUBDIVISION INVOLVES FRONTAGE ON AN ARTERIAL OR

HIGHER FUNCTIONALLY CLASSIFIED ROAD, PARTICULARLY A CONTROLLED-
ACCESS HIGHWAY, THE STREET LAYOUT SHOULD PROVIDE VEHICULAR
ACCESS TO SUCH FRONTAGE BY 1 OF THE FOLLOWING MEANS:

- (1) A PARALLEL STREET WHICH PROVIDES FRONTAGE FOR LOTS WITH
REAR YARDS THAT ABUT THE HIGHWAY, OR PROVIDING THE
APPROACH FOR VEHICLES TO A GARDEN APARTMENT DEVELOPMENT;
- (2) A SERIES OF CUL-DE-SACS OR SHORT LOOPS ENTERED FROM AND
PLANNED AT RIGHT ANGLES TO SUCH PARALLEL STREET, WITH THE
REAR LINES OF THE TERMINAL LOTS ABUTTING ON THE HIGHWAY; OR
- (3) A MARGINAL ACCESS STREET SEPARATED BY A PLANTING STRIP FROM
THE HIGHWAY, TO WHICH VEHICULAR ACCESS FROM THE MARGINAL
ACCESS STREET IS PROVIDED AT POINTS SUITABLY SPACED.

WHERE ANY OF THE ABOVE-MENTIONED ARRANGEMENTS IS USED, DEED
COVENANTS OR OTHER MEANS MUST PREVENT RESIDENTIAL DRIVEWAYS
FROM HAVING DIRECT ACCESS TO THE HIGHWAY.

I. IF A RAILROAD IS INVOLVED, THE STREET PLAN SHOULD:

- (1) MAKE ALLOWANCE FOR FUTURE UNDERPASSES OR OVERPASSES
WHERE GRADE SEPARATIONS ARE PROBABLE;
- (2) PARALLEL THE RAILROAD RIGHT-OF-WAY WITH A STREET AT
SUFFICIENT DISTANCE FROM THE RAILROAD TO:
 - (A) PERMIT LOTS OF MORE THAN NORMAL DEPTH, WHERE THE
REAR LINES ABUT THE RAILROAD; OR
 - (B) FORM A BUFFER YARD FOR PARK, BUSINESS, INDUSTRIAL OR

OTHER APPROPRIATE USE.

- (3) PROVIDE CUL-DE-SACS OR LOOPS APPROXIMATELY AT RIGHT ANGLES TO THE RAILROAD SO AS TO PROVIDE LOTS OF MORE THAN NORMAL DEPTH TO ABUT THE RAILROAD RIGHT-OF-WAY.

- J. STREET NAMES SHALL BE CLEARED THROUGH THE EMERGENCY OPERATIONS CENTER PRIOR TO THE TIME OF SUBMISSION OF THE FINAL PLAT. NAMES SHALL NOT DUPLICATE OR CLOSELY APPROXIMATE EXISTING STREET NAMES IN HARFORD COUNTY, UNLESS THEY ARE EXTENSIONS OF EXISTING OR PREVIOUSLY PLANNED STREETS OF THE SAME NAME.

§ 268-16. DIMENSIONAL STANDARDS.

DUE TO THE DIVERSITY OF DEVELOPMENT IN THE COUNTY, REQUIRED PAVEMENT WIDTHS FOR ROADS, BIKE PATHS AND SIDEWALKS WILL NECESSARILY VARY WITH THE CHARACTER OF BUILDING DEVELOPMENT AND THE AMOUNT OF TRAFFIC ENCOUNTERED. ALL STREETS, ROADS AND INTERSECTIONS SHALL BE ESTABLISHED IN CONFORMANCE WITH THE CLASSIFICATIONS OF THE ROAD AND THE STANDARDS OF THE HARFORD COUNTY ROAD CODE, AS AMENDED.

A. RIGHT-OF-WAY AND EASEMENT WIDTHS.

- (1) ROADS - MINIMUM RIGHT-OF-WAY AND EASEMENT WIDTHS SHALL BE ESTABLISHED IN CONFORMANCE WITH THE CLASSIFICATIONS OF THE ROAD AND THE STANDARDS OF THE HARFORD COUNTY ROAD CODE, AS AMENDED. THE FUNCTIONAL CLASSIFICATION SHALL BE DETERMINED AS APPROVED BY THE DIRECTOR OF PLANNING AND THE DIRECTOR OF PUBLIC WORKS.

(2) DRAINAGE AND UTILITY EASEMENTS - MINIMUM EASEMENT WIDTH
FOR DRAINAGE AND UTILITY EASEMENTS SHALL BE DETERMINED BY
THE DEPARTMENT OF PUBLIC WORKS.

B. PRIVATE ROADS. AFTER COMPLETING CONSTRUCTION OF THE PRIVATE
ROAD, THE DEVELOPER OR ANY SUCCESSOR IN INTEREST TO THE DEVELOPER
SHALL:

(1) OBTAIN A STATEMENT FROM A PROFESSIONAL ENGINEER LICENSED
BY THE STATE OF MARYLAND THAT, BASED ON SITE INSPECTIONS OR
CORE SAMPLES CONDUCTED OR OBTAINED BY THE ENGINEER, THE
PRIVATE ROAD HAS BEEN CONSTRUCTED TO THE STANDARDS OF THE
HARFORD COUNTY ROAD CODE, AS AMENDED, AND DEPARTMENT OF
PUBLIC WORKS.

(2) FURNISH A COPY OF THE STATEMENT TO THE PROPERTY OWNERS OR
THE ASSOCIATION AND TO THE DEPARTMENT OF PLANNING AND
ZONING. IF NO ASSOCIATION OF THE SUBDIVISION'S PROPERTY
OWNERS IS TO BE FORMED, THE DEVELOPER OR ANY SUCCESSOR IN
INTEREST TO THE DEVELOPER SHALL, AT THE TIME OF FINAL PLAT
APPROVAL, FILE IN THE COUNTY LAND RECORDS, A PRIVATE ROAD
AGREEMENT:

(A) APPROVED BY THE DEPARTMENT OF PLANNING AND ZONING;
AND

(B) ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE
PRIVATE ROAD.

- 1 (3) REMAIN RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE ROAD
2 UNTIL A DEVELOPER, WHO CREATES A PRIVATE ROAD, COMPLIES
3 WITH THE REQUIREMENTS OF THE HARFORD COUNTY ROAD CODE, AS
4 AMENDED, AND THIS SECTION.

5 C. RESIDENTIAL LOTS.

- 6 (1) EVERY LOT SHALL ABUT ON A STREET.
- 7 (2) CORNER LOTS SHALL HAVE EXTRA WIDTH SUFFICIENT TO MEET THE
8 SETBACK REQUIREMENTS.
- 9 (3) BUILDING SETBACK LINES SHALL BE ESTABLISHED AND SHOWN ON
10 THE PLAT ALONG ALL STREETS IN ACCORDANCE WITH THE ZONING
11 CODE OF HARFORD COUNTY NOW IN EFFECT OR AS HEREAFTER
12 AMENDED.
- 13 (4) ALL LOTS, EXCEPT THE FIRST AND SECOND LOT, SHALL BE SERVED BY
14 A DEVELOPMENT ROAD WITH THE EXCEPTION THAT GROUPS NOT
15 EXCEEDING 6 LOTS MAY BE SERVED BY A COMMON DRIVE, USING THE
16 PROVISIONS FOR PANHANDLE LOTS IN THE HARFORD COUNTY ZONING
17 CODE, AS AMENDED.

18 § 268-17. REQUIREMENTS GOVERNING ROAD, SANITARY AND OTHER
19 IMPROVEMENTS IN NEW SUBDIVISION.

20 A. MINIMUM REQUIREMENTS.

- 21 (1) WATER AND SEWER FACILITIES. WHERE A PUBLIC WATER SUPPLY OR
22 SEWERAGE SYSTEM IS INTENDED TO BE PROVIDED, SUCH FACILITIES
23 SHALL BE INSTALLED IN ACCORDANCE WITH THE STANDARDS

1 PRESCRIBED BY THE AUTHORITIES HAVING JURISDICTION IN EACH
2 CASE. A WATER SYSTEM SHALL INCLUDE STANDARD FIRE HYDRANTS
3 AND WATER LINES OF SUFFICIENT SIZE TO PROVIDE STANDARD FIRE
4 PROTECTION. A WATER LINE AND A SEWERAGE LATERAL SHALL BE
5 PROVIDED FOR EACH LOT AND SHALL EXTEND TO THE LOT LINE.
6 UPON COMPLETION OF THE WATER SYSTEM, THE DEVELOPER SHALL
7 FURNISH THE HARFORD COUNTY VOLUNTEER FIRE AND AMBULANCE
8 ASSOCIATION WITH A MAP SHOWING THE SYSTEM'S WATER MAIN
9 SHUTOFF VALVES.

10 (2) STORM DRAINAGE. EVERY SUBDIVISION SHALL BE PROVIDED WITH A
11 STORMWATER DRAINAGE SYSTEM ADEQUATE TO SERVE THE AREA
12 BEING PLATTED, INCLUDING ANY SURFACE DRAINAGE WATER
13 ORIGINATING OUTSIDE THE LIMITS OF THE AREA, WHICH WOULD
14 ORDINARILY RUN THROUGH THE AREA BEING PLATTED, AND
15 OTHERWISE MEETING THE DRAINAGE SPECIFICATIONS AS SET FORTH
16 IN THE HARFORD COUNTY ROAD CODE AND THE STORMWATER
17 MANAGEMENT REGULATIONS, AS AMENDED.

18 (3) STREET NAME SIGNS. WHERE REQUIRED, STREET NAME SIGNS, OF A
19 DESIGN AND TYPE OF CONSTRUCTION WHICH MEETS THE APPROVAL
20 OF AND PLACED IN POSITION DESIGNATED BY THE DEPARTMENT OF
21 PUBLIC WORKS, SHALL BE ERECTED AT EACH HIGHWAY AND/OR
22 STREET INTERSECTION. THE DEVELOPER SHALL INSTALL TEMPORARY
23 STREET SIGNS IN THE DEVELOPMENT BEFORE THE COUNTY ISSUES A

1 BUILDING PERMIT FOR A LOT INCLUDED IN THE PUBLIC WORKS
2 AGREEMENT FOR THE DEVELOPMENT.

3 (4) UTILITY LINES. EXTENSIONS OF DISTRIBUTION LINES NECESSARY TO
4 PROVIDE ELECTRIC AND TELEPHONE SERVICE TO ANY RESIDENTIAL,
5 COMMERCIAL OR INDUSTRIAL SUBDIVISION SHALL BE SUBJECT TO
6 THE UNDERGROUND RULES OF THE PUBLIC SERVICE COMMISSION AND
7 EXISTING TARIFFS.

8 (5) SIDEWALKS OF DURABLE ALL WEATHER SURFACING SHALL BE
9 CONSTRUCTED FOR ALL NEW DEVELOPMENTS IN THE DEVELOPMENT
10 ENVELOPE.

11 (6) CROSSWALKS WHERE REQUIRED SHALL BE CONSTRUCTED IN
12 ACCORDANCE WITH THE WIDTH AND SPECIFICATIONS CONTAINED IN
13 THE ROAD CODE.

14 B. SPECIFICATIONS FOR SUPPORTING DETAILED PLANS AND DATA. PLANS AND
15 PROFILES SHALL BE SUBMITTED IN ACCORDANCE WITH THE RULES AND
16 REGULATIONS OF THE DEPARTMENT OF PUBLIC WORKS AND THE HARFORD
17 COUNTY CODE, AS AMENDED.

18 C. INSPECTION AND ACCEPTANCE. ALL CONSTRUCTION WORK ON
19 IMPROVEMENTS REQUIRED HEREIN SHALL BE SUBJECT TO INSPECTION
20 DURING AND UPON COMPLETION OF CONSTRUCTION, BY THE HARFORD
21 COUNTY DEPARTMENT OF PUBLIC WORKS, OR BY AN AUTHORIZED
22 ENGINEERING REPRESENTATIVE OF THE COUNTY, AND TO APPROVAL AND
23 ACCEPTANCE BY SUCH REPRESENTATIVES ON BEHALF OF THE COUNTY. THE

1 SUBDIVIDER SHALL FURNISH THE APPROPRIATE AGENCY WITH ACCURATE
2 AND DETAILED ENGINEERING DRAWINGS OF ALL IMPROVEMENTS AS THEY
3 WERE ACTUALLY CONSTRUCTED. NO BUILDING PERMITS SHALL BE
4 APPROVED UNTIL ALL REQUIRED IMPROVEMENTS HAVE BEEN
5 SATISFACTORILY COMPLETED AND ACCEPTED IN COMPLIANCE HEREWITH,
6 OR A SATISFACTORY BOND POSTED. NO SUCH BOND SHALL BE RELEASED
7 UNTIL ALL IMPROVEMENTS SECURED BY SUCH BOND HAVE BEEN
8 COMPLETED AND ACCEPTED. THE DEPARTMENT OF PUBLIC WORKS SHALL,
9 IN THE EVENT OF QUESTIONS CONCERNING THE AMOUNT OF BOND
10 REQUIRED, MAKE A FINAL DECISION ON THE AMOUNT OR TYPE OF BOND OR
11 GUARANTEE BASED ON AT LEAST 2 CONSTRUCTION ESTIMATES MADE FOR
12 THE IMPROVEMENTS TO BE ACCOMPLISHED.

13 **ARTICLE IV. CONCEPT PLANS, PRELIMINARY SUBDIVISION PLANS AND/OR SITE**
14 **PLANS**

15 **§ 268-18. CONCEPT PLANS.**

16 **A. SUBMISSION PROCEDURE.**

17 ~~(1) ANY RESIDENTIAL SUBDIVISION UTILIZING THE COS DEVELOPMENT~~
18 ~~ADJUSTMENT OPTION, OR PROPOSING MORE THAN 1,000 TRIPS PER~~
19 ~~DAY, MUST SUBMIT A CONCEPT PLAN TO THE DEPARTMENT OF~~
20 ~~PLANNING AND ZONING.~~

21 (1) IF MORE THAN 500 TRIPS PER DAY ARE PROPOSED FOR A RESIDENTIAL
22 SUBDIVISION OR SPECIAL DEVELOPMENT, A CONCEPT PLAN SHALL BE
23 SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING.

(2) COMMUNITY INPUT MEETINGS MUST BE HELD PURSUANT TO §268-20
(COMMUNITY INPUT MEETINGS) OF THE SUBDIVISION REGULATIONS,
AS AMENDED.

B. INFORMATION REQUIRED. AT A MINIMUM, THE CONCEPT PLAN SHALL
INCLUDE ALL ITEMS AS SPECIFIED ON THE MOST RECENT CHECKLIST
PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING WHICH IS
INCORPORATED BY REFERENCE AND MADE A PART HEREOF AS THOUGH IT
WERE FULLY STATED HEREIN.

C. REVIEW AND APPROVAL PROCEDURE.

(1) CONCEPT PLAN REVIEW SHALL BE SUBJECT TO ITEMS C(1) THROUGH
C(10) OF THE REVIEW AND APPROVAL PROCEDURES SPECIFIED UNDER
§268-19 (PRELIMINARY PLANS AND SITE PLANS).

(2) IF A FOREST STAND DELINEATION IS REQUIRED BY CHAPTER 267,
ARTICLE VI OF THE HARFORD COUNTY ZONING CODE, AS AMENDED,
THE CONCEPT PLAN SHALL NOT BE APPROVED UNTIL THE FOREST
STAND DELINEATION HAS BEEN APPROVED BY THE DEPARTMENT OF
PLANNING AND ZONING.

(3) TENURE OF CONCEPT PLANS. CONCEPT PLANS ARE VALID FOR A
PERIOD OF 5 YEARS OR FOR THE VALIDITY PERIOD OF ANY
SUBSEQUENT PRELIMINARY PLAN APPROVAL. UPON EXPIRATION OF
ANY CONCEPT PLAN APPROVAL, A NEW CONCEPT PLAN MUST BE
SUBMITTED TO THE DEPARTMENT FOLLOWING ALL THE APPLICABLE
PROCEDURES PRIOR TO SUBMITTING A PRELIMINARY PLAN.

§ 268-19. PRELIMINARY PLANS AND SITE PLANS.

A. SUBMISSION PROCEDURE.

(1) PRELIMINARY PLANS AND SITE PLANS SHALL BE SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING FOR ALL PROPOSED SUBDIVISIONS. PRELIMINARY PLANS FOR RESIDENTIAL SUBDIVISIONS OF MORE THAN 5 LOTS AND COMMERCIAL/INDUSTRIAL SUBDIVISION AND SITE PLANS FOR NONRESIDENTIAL AND MULTI-FAMILY HOUSING USES SHALL BE DISTRIBUTED TO THE MEMBERS OF THE DEVELOPMENT ADVISORY COMMITTEE FOR REVIEW.

(2) COMMUNITY INPUT MEETINGS MUST BE HELD PURSUANT TO §268-20 (COMMUNITY INPUT MEETINGS) OF THE SUBDIVISION REGULATIONS, AS AMENDED.

(3) THE PRELIMINARY PLAN AND/OR SITE PLAN SHALL BE COMPLETE IN ACCORDANCE WITH THE INFORMATION REQUIRED IN PARAGRAPH B BELOW.

B. INFORMATION REQUIRED. AT A MINIMUM, PRELIMINARY PLANS AND SITE PLANS SHALL INCLUDE ALL ITEMS AS SPECIFIED ON THE MOST RECENT CHECKLIST PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING WHICH IS INCORPORATED BY REFERENCE AND MADE A PART HEREOF AS THOUGH IT WERE FULLY STATED HEREIN.

C. REVIEW AND APPROVAL PROCEDURE.

(1) THE DEVELOPMENT ADVISORY COMMITTEE (DAC) IS ESTABLISHED TO ADVISE THE DIRECTOR OF PLANNING REGARDING MAJOR

1 SUBDIVISIONS AND OTHER LARGE-SCALE DEVELOPMENTS.
2 REPRESENTATIVES FROM COUNTY AGENCIES SHALL BE MEMBERS OF
3 THE DEVELOPMENT ADVISORY COMMITTEE. EACH COUNTY AGENCY
4 THAT IS REPRESENTED ON THE DEVELOPMENT ADVISORY COMMITTEE
5 SHALL SUBMIT ORAL OR WRITTEN COMMENT AT EACH COMMITTEE
6 MEETING EXPRESSING THE AGENCY'S RECOMMENDATION OR OPINION
7 REGARDING EACH DEVELOPMENT PLAN REVIEWED BY THE
8 COMMITTEE. MEMBERS OF STATE AGENCIES AND OTHER SUPPORTING
9 AGENCIES IN THE REGION WILL BE PROVIDED COPIES OF PLANS AND
10 AN OPPORTUNITY TO SUBMIT ORAL OR WRITTEN COMMENTS
11 EXPRESSING THE AGENCY'S RECOMMENDATION OR OPINION
12 REGARDING EACH DEVELOPMENT PLAN, WHEN APPROPRIATE.

13 (A) MEMBERSHIP SHALL INCLUDE, BUT NOT BE LIMITED TO:

- 14 [1] DEPARTMENT OF PLANNING AND ZONING.
- 15 [2] DEPARTMENT OF PUBLIC WORKS.
- 16 [3] HEALTH DEPARTMENT.
- 17 [4] DEPARTMENT OF PARKS AND RECREATION.
- 18 [5] SOIL CONSERVATION DISTRICT.
- 19 [6] SHERIFF'S DEPARTMENT.
- 20 [7] HARFORD COUNTY PUBLIC SCHOOLS.
- 21 [8] EMERGENCY OPERATIONS.

22 (B) STATE AGENCIES AND OTHER SUPPORTING AGENCIES THAT
23 WILL RECEIVE COPIES OF PLANS SUBMITTED TO DAC FOR

REVIEW AND COMMENT INCLUDE, BUT ARE NOT LIMITED TO:

[1] STATE HIGHWAY ADMINISTRATION.

[2] U.S. ARMY CORPS OF ENGINEERS.

[3] MARYLAND DEPARTMENT OF THE ENVIRONMENT.

[4] MARYLAND DEPARTMENT OF NATURAL RESOURCES.

(C) IF A MAJOR SUBDIVISION OR OTHER LARGE-SCALE
DEVELOPMENT IS PROPOSED WITHIN A 1 MILE RADIUS OF A
MUNICIPALITY, THE FOLLOWING DEPARTMENTS OR ENTITIES
WITHIN THAT MUNICIPALITY SHALL RECEIVE COPIES OF THE
PLAN AND SHALL RECEIVE NOTICE OF THE DAC MEETING FOR
THE PURPOSE OF PROVIDING AN OPPORTUNITY TO PROVIDE
ORAL OR WRITTEN COMMENTS REGARDING THE PLAN:

[1] DEPARTMENT OF PLANNING.

[2] DEPARTMENT OF PUBLIC WORKS.

[3] POLICE DEPARTMENT.

[4] FIRE AND AMBULANCE COMPANIES.

(2) THE DEVELOPMENT ADVISORY COMMITTEE SHALL ADOPT BYLAWS TO
FACILITATE THE REVIEW PROCESS. MEETINGS OF THE DEVELOPMENT
ADVISORY COMMITTEE SHALL BE OPEN TO THE GENERAL PUBLIC AND
INCLUDE AN OPPORTUNITY FOR COMMENTS FROM ATTENDING
CITIZENS. PLANS SUBMITTED FOR DAC SHALL BE AVAILABLE FOR
REVIEW BY THE PUBLIC IN A TIMELY AND CONVENIENT MANNER.

(3) COMMENTS REGARDING THE PLANS SHALL BE PROVIDED TO THE

1 DEPARTMENT OF PLANNING AND ZONING IN WRITING AND DISCUSSED
2 AT THE DEVELOPMENT ADVISORY COMMITTEE MEETING.

3 (4) AT LEAST 2 WEEKS PRIOR TO A DEVELOPMENT ADVISORY COMMITTEE
4 MEETING ON A PRELIMINARY PLAN OR SITE PLAN, THE DIRECTOR OF
5 PLANNING SHALL ENSURE THAT THE PROPERTY THAT IS THE SUBJECT
6 OF THE PLAN HAS BEEN POSTED WITH A NOTICE STATING THE DATE,
7 TIME AND LOCATION OF THE MEETING AND THE TELEPHONE NUMBER
8 FOR THE DEPARTMENT OF PLANNING AND ZONING. THE NOTICE
9 SHALL BE ON A SIGN MEASURING AT LEAST 22 INCHES BY 28 INCHES
10 WITH RED LETTERING. THE NOTICE SHALL BE CONSPICUOUSLY
11 PLACED ON THE PROPERTY NEAR THE RIGHT-OF-WAY LINE OF EACH
12 PUBLIC ROAD THAT THE PROPERTY HAS FRONTAGE ON AT SUCH
13 LOCATIONS SO THAT THE NOTICE SHALL BE VISIBLE, IF POSSIBLE,
14 FROM EACH PUBLIC ROAD ON WITH THE PROPERTY FRONTS. THE
15 DEPARTMENT OF PLANNING AND ZONING MAY ASSESS A FEE, NOT TO
16 EXCEED \$100, TO THE APPLICANT FOR THE POSTING. FOLLOWING THE
17 POSTING, THE APPLICANT SHALL USE REASONABLE EFFORTS TO
18 MAINTAIN THE NOTICE IN A CONDITION VISIBLE TO THE PUBLIC UNTIL
19 THE DATE OF THE MEETING.

20 (5) NOTICE OF THE DATE, TIME AND PLACE OF THE DEVELOPMENT
21 ADVISORY COMMITTEE MEETING, AS WELL AS THE INFORMATION
22 ABOUT THE TYPE OF SUBDIVISION, PROPOSED USE AND NUMBER OF
23 UNITS REQUESTED IN THE PLAN SHALL BE PUBLISHED ONCE A WEEK

1 FOR 2 CONSECUTIVE WEEKS IN AT LEAST 2 NEWSPAPERS GENERALLY
2 CIRCULATED IN HARFORD COUNTY. THE SECOND PUBLICATION SHALL
3 NOT BE LESS THAN 1 WEEK BEFORE THE MEETING. THE DEPARTMENT
4 OF PLANNING AND ZONING SHALL USE REASONABLE EFFORTS TO
5 CONTACT BY CERTIFIED MAIL EACH ADJOINING PROPERTY OWNER
6 WITH A NOTICE STATING THE DATE, TIME AND PLACE OF THE
7 MEETING. IF AN ADJOINING PROPERTY IS A CONDOMINIUM REGIME
8 ESTABLISHED UNDER STATE LAW, NOTICE OF THE MEETING MAY BE
9 SEND TO THE REPRESENTATIVE OF THE UNIT OWNERS. THE
10 APPLICANT SHALL REIMBURSE THE COUNTY FOR THE COST OF THE
11 MAILING.

12 (6) THE DEPARTMENT OF PLANNING AND ZONING SHALL PROVIDE A
13 CITIZEN INFORMATION GUIDE TO INFORM CITIZENS OF THE RULES OF
14 PROCEDURE OF THE DEVELOPMENT ADVISORY COMMITTEE, THE
15 PURPOSE OF THE DAC MEETING AND THOSE ISSUES GENERALLY
16 DISCUSSED AT THE MEETING. THE INFORMATION GUIDE SHALL BE
17 MAILED BY THE DEPARTMENT OF PLANNING AND ZONING TO ANY
18 ADJOINING PROPERTY OWNER WHO RECEIVES A NOTICE ABOUT A
19 DEVELOPMENT ADVISORY COMMITTEE MEETING. THE DEPARTMENT
20 OF PLANNING AND ZONING SHALL PROVIDE THE INFORMATION GUIDE
21 FREE OF CHARGE TO ANY CITIZEN WHO REQUESTS A COPY.

22 (7) ANY CITIZEN ATTENDING THE DEVELOPMENT ADVISORY COMMITTEE
23 MEETING MAY MAKE ANY COMMENT REGARDING A DEVELOPMENT

1 PLAN AND EACH COMMENT SHALL BE ADDRESSED BY A COUNTY
2 AGENCY. IF A REPRESENTATIVE OF A COUNTY AGENCY IS UNABLE TO
3 ADDRESS THE COMMENT AT THE MEETING, THE CITIZEN'S NAME AND
4 ADDRESS SHALL BE OBTAINED, AND A REPRESENTATIVE OF THE
5 APPROPRIATE COUNTY AGENCY SHALL ADDRESS THE CITIZEN'S
6 COMMENT BY WRITTEN RESPONSE TO THE DIRECTOR OF PLANNING
7 WITHIN 2 WEEKS OF THE MEETING. THE DIRECTOR OF PLANNING
8 SHALL BE RESPONSIBLE FOR ENSURING THAT ALL RESPONSES ARE
9 FORWARDED TO THE APPROPRIATE CITIZENS. THE DIRECTOR OF
10 PLANNING SHALL BE RESPONSIBLE FOR ENSURING THAT THE
11 RESPONSES ARE FORWARDED TO THE APPROPRIATE CITIZENS WITHIN
12 30 CALENDAR DAYS AFTER THE MEETING.

13 (8) A PROJECT DESIGNATED FOR FAST TRACK REVIEW BY THE COUNTY
14 EXECUTIVE SHALL BE EXEMPT FROM THE NOTICE AND POSTING
15 REQUIREMENTS OF THIS SECTION PROVIDED THAT:

16 (A) THE PROPOSED USE IS NOT ONE OF THE USES LISTED IN THE
17 HARFORD COUNTY ZONING CODE IN THE USE CLASSIFICATION
18 CHARTS UNDER THE CATEGORIES OF AMUSEMENTS, MOTOR
19 VEHICLES AND RELATED SERVICES, RESIDENTIAL AND RETAIL
20 TRADE;

21 (B) THE DIRECTOR OF PLANNING ENSURES THAT A NOTICE STATING
22 THE DATE, TIME AND PLACE OF THE DAC MEETING FOR THE
23 PROJECT IS SENT TO THE COUNTY COUNCIL PRESIDENT AT

1 LEAST 1 WEEK PRIOR TO THE SCHEDULED DATE OF THE
2 MEETING; AND

3 (C) THE DIRECTOR OF PLANNING ENSURES THAT A NOTICE STATING
4 THE DATE, TIME AND PLACE OF THE DAC MEETING FOR THE
5 PROJECT IS POSTED AT A CONVENIENT PUBLIC LOCATION AT OR
6 NEAR THE SITE OF THE MEETING.

7 (9) IF THE DIRECTOR OF PLANNING DETERMINES THAT THERE HAS BEEN
8 SUBSTANTIAL COMPLIANCE WITH THE NOTICE AND POSTING
9 REQUIREMENTS, APPROVAL OF A DEVELOPMENT PLAN MAY NOT BE
10 REVOKED BY THE COUNTY ON THE BASIS OF A FAILURE TO STRICTLY
11 COMPLY WITH THE POSTING AND NOTICE REQUIREMENTS OF THESE
12 SUBSECTIONS.

13 (10) APPROVAL OF THE PRELIMINARY PLAN AND/OR SITE PLAN SHALL BE
14 SET FORTH IN A LETTER MAILED BY THE DEPARTMENT OF PLANNING
15 AND ZONING. THIS LETTER MAY INCLUDE SUCH CONDITIONS AS ARE
16 NECESSARY TO MEET THE STANDARDS OF THE ZONING CODE,
17 SUBDIVISION REGULATIONS AND CHAPTER 131, FLOODPLAIN
18 MANAGEMENT REGULATIONS, AND MUST BE COUNTERSIGNED BY THE
19 DEVELOPER AND RETURNED TO THE DEPARTMENT OF PLANNING AND
20 ZONING WITHIN 60 CALENDAR DAYS.

21 (11) IF A FOREST CONSERVATION PLAN IS REQUIRED BY CHAPTER 267,
22 ARTICLE VI OF THE HARFORD COUNTY ZONING CODE, AS AMENDED,
23 THE PRELIMINARY PLAN SHALL NOT BE APPROVED UNTIL THE FOREST

1 CONSERVATION PLAN HAS BEEN APPROVED BY THE DEPARTMENT OF
2 PLANNING AND ZONING.

3 (12) TENURE OF PRELIMINARY AND SITE PLANS.

4 (A) A PRELIMINARY PLAN APPROVAL IS VALID FOR 2 YEARS. THE
5 DEPARTMENT OF PLANNING AND ZONING MAY GRANT AN
6 EXTENSION OF THE PLAN IN ACCORDANCE WITH §268-19C(13)
7 (REVIEW AND APPROVAL PROCEDURE) OF THE SUBDIVISION
8 REGULATIONS, AS AMENDED.

9 (B) SITE PLANS SHALL BE VALID FOR 2 YEARS AND SHALL BE
10 DEEMED NULL AND VOID AT THE END OF SUCH PERIOD UNLESS
11 BUILDING PERMIT APPLICATION HAS BEEN FILED.

12 (13) EXTENSION OF PRELIMINARY PLAN. A WRITTEN REQUEST FOR AN
13 EXTENSION OF A PRELIMINARY PLAN MUST BE FILED WITH THE
14 DEPARTMENT OF PLANNING AND ZONING AT LEAST 60 CALENDAR
15 DAYS BEFORE THE DATE ON WHICH THE PLAN'S PREVIOUS APPROVAL
16 WILL EXPIRE. A 1-TIME, 2-YEAR EXTENSION OF THE PRELIMINARY
17 PLAN MAY BE GRANTED BY THE DIRECTOR OF PLANNING SUBJECT TO
18 EITHER OF THE FOLLOWING CONDITIONS:

19 (A) THE SUBDIVIDER HAS EXECUTED AN AGREEMENT WITH THE
20 COUNTY FOR OFF-SITE AND/OR ON-SITE FACILITIES
21 IMPROVEMENTS BEYOND THE REQUIRED, STANDARD ON-SITE
22 ROADS AND UTILITIES AGREEMENTS, AND A PERFORMANCE
23 ~~BOND FOR THE ADDITIONAL/AGREED-TO FACILITIES~~

1 ~~IMPROVEMENTS HAS BEEN POSTED BY THE SUBDIVIDER; OR~~
2 ~~(B) AS A RESULT OF THE CAPACITY ALLOCATED TO THE~~
3 ~~SUBDIVISION REQUESTING THE EXTENSION, THERE IS NO~~
4 ~~SUBDIVISION/SITE PLAN ON THE WAITING LIST ESTABLISHED BY~~
5 ~~THE DEPARTMENT OF PLANNING AND ZONING IN ACCORDANCE~~
6 ~~WITH THE CONDITIONAL REVIEW PROVISIONS OF §267-126~~
7 ~~(ADEQUATE PUBLIC FACILITIES) OF THE HARFORD COUNTY~~
8 ~~ZONING CODE, AS AMENDED, AND FINDINGS OF ADEQUATE~~
9 ~~PUBLIC FACILITIES BASED ON THE STANDARDS SET IN §267-126~~
10 ~~(ADEQUATE PUBLIC FACILITIES) OF THE HARFORD COUNTY~~
11 ~~ZONING CODE, AS AMENDED, HAVE BEEN ESTABLISHED~~

12 (B) A PERFORMANCE BOND FOR THE ADDITIONAL/AGREED TO
13 FACILITIES IMPROVEMENTS HAS BEEN POSTED BY THE
14 SUBDIVIDER.

15 (14) UPON EXPIRATION OF ANY PRELIMINARY PLAN APPROVAL, ANY
16 REMAINING UNRECORDED LOTS ON ANY PORTION OF THE AREA
17 COVERED BY THE PRELIMINARY PLAN SHALL BE DEEMED NULL AND
18 VOID AND SHALL MEET THE REQUIREMENTS ESTABLISHED IN THE
19 ZONING CODE PRIOR TO AGAIN OBTAINING PRELIMINARY APPROVAL.

20 (15) PHASING FOR PRELIMINARY PLANS. FOR ANY DEVELOPMENT
21 EXCEEDING 200 LOTS OR UNITS, A PHASING SCHEDULE SHALL BE
22 SUBMITTED BY THE SUBDIVIDER. SUCH PHASING SCHEDULE SHALL BE
23 INCORPORATED IN THE PRELIMINARY PLAN APPROVAL.

1 (16) WAIVER OF SITE PLAN APPLICATION. THE DIRECTOR OF PLANNING
2 MAY WAIVE THE REQUIREMENT FOR SITE PLAN APPROVAL WHERE
3 THERE IS A CHANGE IN USE OR OCCUPANCY AND NO EXTENSIVE
4 CONSTRUCTION OR IMPROVEMENT IS PROPOSED. THE WAIVER MAY
5 BE GRANTED ONLY UPON A DETERMINATION BY THE DIRECTOR OF
6 PLANNING THAT THE USE WILL NOT AFFECT EXISTING DRAINAGE,
7 CIRCULATION, RELATIONSHIP OF BUILDINGS TO EACH OTHER,
8 LANDSCAPING, BUFFERING, LIGHTING AND OTHER CONSIDERATIONS
9 OF SITE PLAN APPROVAL, AND THE EXISTING FACILITIES DO NOT
10 REQUIRE UPGRADED OR ADDITIONAL SITE IMPROVEMENTS. THE
11 APPLICATION FOR A WAIVER OF SITE PLAN SHALL INCLUDE A
12 DISCUSSION OF THE PRIOR USE OF THE SITE, THE PROPOSED USE AND
13 ITS IMPACT.

14 (17) PRELIMINARY AND SITE PLANS ARE SUBJECT TO §267-102 (APPROVED
15 PRELIMINARY AND SITE PLANS) OF THE HARFORD COUNTY ZONING
16 CODE, AS AMENDED.

17 **§ 268-20. COMMUNITY INPUT MEETINGS.**

18 A. PRIOR TO SUBMISSION OF A CONCEPT PLAN, PRELIMINARY PLAN OR SITE
19 PLAN, FOR ANY DEVELOPMENTS GENERATING 250 OR MORE TRIPS PER DAY,
20 AS DETERMINED BY THE MOST RECENT VERSION OF THE I.T.E. TRIP
21 GENERATION MANUAL, OR DETERMINED TO BE A NONTRANSIENT
22 NONCOMMUNITY WATER SYSTEM, THE DEVELOPER SHALL HOLD A
23 COMMUNITY MEETING.

1 B. THE COMMUNITY MEETING SHALL BE HELD NEAR THE SITE OF THE
2 PROPOSED DEVELOPMENT, PREFERABLY IN A PUBLIC OR INSTITUTIONAL
3 BUILDING WITH ADEQUATE PARKING. THE MEETING SHALL BE SCHEDULED
4 TO START BETWEEN 6:00 P.M. AND 8:00 P.M. ON A WEEKDAY EVENING, OR
5 SCHEDULED BETWEEN 9:00 A.M. AND 5:00 P.M. ON A SATURDAY, EXCLUDING
6 ALL STATE AND COUNTY HOLIDAYS.

7 C. AT LEAST 2 WEEKS PRIOR TO THE COMMUNITY MEETING, THE DEVELOPER
8 SHALL ENSURE THAT NOTICE OF THE DATE, TIME AND LOCATION OF THE
9 COMMUNITY MEETING, AS WELL AS INFORMATION ABOUT THE TYPE OF
10 SUBDIVISION, INCLUDING THE PROPOSED NUMBER OF UNITS, HAS BEEN
11 PROVIDED TO THE FOLLOWING:

- 12 (1) ALL ADJOINING PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF
13 THE STATE DEPARTMENT OF ASSESSMENT AND TAXATION, BY FIRST
14 CLASS MAIL;
- 15 (2) THE DEPARTMENT OF PLANNING AND ZONING, WHICH WILL POST THE
16 MEETING NOTICE ON THE DEPARTMENT'S WEBSITE; AND
- 17 (3) THE COUNTY COUNCIL.

18 D. AT LEAST 2 WEEKS PRIOR TO THE COMMUNITY MEETING, THE DEVELOPER
19 SHALL ENSURE THAT THE PROPERTY THAT IS THE SUBJECT OF THE
20 PROPOSED DEVELOPMENT IS POSTED WITH A NOTICE, OBTAINED FROM THE
21 DEPARTMENT OF PLANNING AND ZONING, STATING THE DATE, TIME AND
22 LOCATION OF THE COMMUNITY MEETING. THE NOTICE SHALL BRIEFLY
23 DESCRIBE THE PROPOSED DEVELOPMENT, SPECIFYING THE TYPE OF

1 SUBDIVISION AND NUMBER OF PROPOSED UNITS, AND INCLUDE THE
2 DEPARTMENT'S WEBSITE ADDRESS. THE NOTICE SHALL BE ON A SIGN
3 MEASURING AT LEAST 22 INCHES BY 28 INCHES. THE NOTICE SHALL BE
4 CONSPICUOUSLY PLACED ON THE PROPERTY, NEAR THE RIGHT-OF-WAY LINE
5 OF EACH PUBLIC ROAD THAT THE PROPERTY HAS FRONTAGE ON, AT SUCH
6 LOCATION THAT THE NOTICE SHALL BE VISIBLE, IF POSSIBLE, FROM EACH
7 PUBLIC ROAD ON WHICH THE PROPERTY FRONTS. FOLLOWING THE POSTING,
8 THE DEVELOPER SHALL USE REASONABLE EFFORTS TO MAINTAIN THE
9 NOTICE IN A CONDITION VISIBLE TO THE PUBLIC UNTIL THE DATE OF THE
10 COMMUNITY MEETING.

11 E. AT LEAST 2 WEEKS PRIOR TO THE COMMUNITY MEETING, THE DEVELOPER
12 SHALL ENSURE THAT NOTICE OF THE COMMUNITY MEETING IS PUBLISHED
13 ONCE A WEEK FOR 2 CONSECUTIVE WEEKS, IN AT LEAST 2 NEWSPAPERS
14 GENERALLY CIRCULATED IN HARFORD COUNTY.

15 F. THE PURPOSE OF THE COMMUNITY MEETING IS FOR THE DEVELOPER TO
16 PROVIDE INFORMATION TO THE COMMUNITY REGARDING THE PROPOSED
17 DEVELOPMENT AND TO ALLOW CITIZENS TO ASK QUESTIONS AND TO MAKE
18 COMMENTS AND SUGGESTIONS.

19 G. AT THE COMMUNITY MEETING, THE DEVELOPER SHALL PRESENT DRAFT
20 PLANS FOR THE SITE LAYOUT.

21 H. THE DEVELOPER SHALL ENSURE THAT A CERTIFICATION OF MAILED
22 MEETING ~~NOTICES~~, NOTICES AND A CERTIFICATION OF THE NEWSPAPER
23 ADVERTISEMENTS ~~AND A SUMMARY OF THE COMMENTS MADE BY CITIZENS~~

1 ~~AT THE COMMUNITY MEETING~~ ARE INCLUDED WITH THE PRELIMINARY PLAN
2 OR SITE PLAN WHEN THE PLAN IS SUBMITTED TO THE COUNTY.

3 I. WITHIN 45 CALENDAR DAYS OF THE COMMUNITY MEETING, THE DEVELOPER
4 SHALL SUBMIT A SUMMARY OF THE COMMENTS MADE BY CITIZENS AT THE
5 COMMUNITY MEETING TO THE DEPARTMENT.

6 J. IF THE DEVELOPER DOES NOT SUBMIT A CONCEPT PLAN, PRELIMINARY PLAN
7 OR SITE PLAN TO THE DEPARTMENT WITHIN 1 YEAR OF THE COMMUNITY
8 MEETING, OR IF THE PLAN SUBMITTED IS SUBSTANTIALLY DIFFERENT FROM
9 THE PLAN PRESENTED AT THE COMMUNITY MEETING, ANOTHER
10 COMMUNITY MEETING AND NOTIFICATION, AS SPECIFIED UNDER THIS
11 SECTION, SHALL BE REQUIRED.

12 **ARTICLE V. THE FINAL SUBDIVISION PLAN**

13 **§ 268-21. THE FINAL PLAT.**

14 THE FINAL PLAT OF A SUBDIVISION MAY INCLUDE ALL OR ANY PORTION OF
15 THE AREA COVERED BY THE PRELIMINARY PLAN. THE FINAL PLAT SHALL BE
16 SURVEYED AND PREPARED IN ACCORDANCE WITH THE ACCURACY STANDARDS
17 CONTAINED IN TABLE 1 AND TABLE 2 OF THE MINIMUM STANDARD DETAIL
18 REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS (1988). THE FINAL PLAT
19 SHALL INCORPORATE ANY CHANGES OR ADDITIONS REQUIRED BY THE
20 PRELIMINARY PLAN APPROVAL LETTER. THE FINAL PLAT SHALL CONFORM TO THE
21 FOLLOWING REQUIREMENTS:

22 A. IT SHALL BE LEGIBLY AND ACCURATELY PREPARED ON, OR PRINTED ON,
23 SHEETS 24 INCHES BY 20 INCHES IN SIZE.

1 B. IT SHALL BE DRAWN LEGIBLY AND ACCURATELY AT A SCALE 1 INCH TO 50
2 FEET OR 1 INCH TO 100 FEET, DEPENDING UPON THE SIZE OF THE
3 SUBDIVISION.

4 C. INFORMATION REQUIRED. AT A MINIMUM, FINAL PLATS SHALL INCLUDE ALL
5 ITEMS AS SPECIFIED ON THE MOST RECENT CHECKLIST PROVIDED BY THE
6 DEPARTMENT OF PLANNING AND ZONING WHICH IS INCORPORATED BY
7 REFERENCE AND MADE A PART HEREOF AS THOUGH IT WERE FULLY STATED
8 HEREIN.

9 D. GRAPHIC INFORMATION REQUIRED. ONE OR MORE CORNERS ACCURATELY
10 TIED BY A SYSTEM OF BEARINGS AND DISTANCES TO A MONUMENT OF THE
11 HARFORD COUNTY SYSTEM. COORDINATES OF SAID CORNERS WILL BE
12 COMPUTED AND SHOWN IN X (EASTING) AND Y (NORTHING) IN THE
13 MARYLAND COORDINATE SYSTEM REFERENCED TO THE NORTH AMERICAN
14 DATUM 1983. THE COORDINATE VALUES MAY BE IN EITHER FEET OR METERS.
15 THIS REQUIREMENT MAY BE WAIVED BY THE DIRECTOR OF PLANNING FOR
16 SUBDIVISIONS OF 5 OR FEWER LOTS WITH NO CORNER WITHIN A 1 MILE
17 DISTANCE OF THE HARFORD COUNTY MONUMENT SYSTEM AS TRAVERSED
18 BY PUBLIC ROAD.

19 E. THE FINAL PLAT SHALL CONTAIN THE FOLLOWING OWNER'S STATEMENTS:

20 (1) THE OWNER HEREBY GRANTS TO HARFORD COUNTY, MARYLAND, AN
21 EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND
22 REPLACEMENT OF WATER, SEWER AND STORM DRAINAGE LINES
23 WITHIN THE DRAINAGE AND UTILITY EASEMENTS AND ROAD

1 IMPROVEMENT RIGHTS-OF-WAY AS SHOWN ON THE PLAT.

2 (2) UNLESS OTHERWISE PROVIDED ON THIS PLAT, THE STREETS, ROADS,
3 OPEN SPACES AND PUBLIC SITES SHOWN HEREON, AND THE MENTION
4 THEREOF IN DEEDS, ARE FOR THE PURPOSE OF DESCRIPTION ONLY
5 AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE;
6 THE FEE SIMPLE TITLE TO THE LAND SO SHOWN IS EXPRESSLY
7 RESERVED TO THE PRESENT OWNER(S) SHOWN ON THIS PLAT, THEIR
8 SUCCESSOR, HEIRS AND ASSIGNS. NOTHING CONTAINED HEREIN
9 SHALL PRECLUDE THE OWNER FROM CONVEYING BY DEED THE
10 STREETS, ROADS, OPEN SPACES AND PUBLIC SITES IN FEE TO HARFORD
11 COUNTY, MARYLAND.

12 (3) NO LOT WILL BE RE-SUBDIVIDED TO PRODUCE A BUILDING SITE OF
13 LESS AREA OR WIDTH THAN THE MINIMUM REQUIRED BY SUBDIVISION
14 REGULATIONS, THE ZONING CODE OR THE COUNTY HEALTH OFFICER.

15 (4) FOR ALL LOTS LOCATED IN THE AGRICULTURAL ZONING DISTRICT
16 INTENDED FOR RESIDENTIAL USE, THE FOLLOWING NOTE SHALL BE
17 PROVIDED:

18 "ANY DWELLING IN AN AGRICULTURAL ZONING DISTRICT MAY BE
19 SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM
20 AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE,
21 ODORS, FUMES, DUST, THE OPERATIONS OF MACHINERY OF ANY KIND
22 (INCLUDING AIRCRAFT) DURING ANY 24 HOUR PERIOD, THE STORAGE
23 AND DISPOSAL OF MANURE AND THE APPLICATION BY SPRAYING OR

1 OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS,
2 HERBICIDES AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN
3 AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE IF
4 THE OPERATION COMPLIES WITH THESE REGULATIONS AND ALL
5 FEDERAL, STATE OR COUNTY HEALTH OR ENVIRONMENTAL
6 REQUIREMENTS.”

7 F. IF THE OWNER IS A CORPORATION, THE PLAT SHALL BEAR THE CORPORATE
8 SEAL AND THE SIGNATURE OF THE OFFICER AUTHORIZED TO SIGN FOR THE
9 CORPORATION.

10 G. REQUIRED DOCUMENTATION. AT THE TIME OF FINAL PLAT SUBMITTAL TO
11 THE DEPARTMENT OF PLANNING AND ZONING, THE FOLLOWING
12 DOCUMENTS, WHERE APPLICABLE, SHALL BE SUBMITTED FOR REVIEW AND
13 APPROVAL BY HARFORD COUNTY.

14 (1) FOR ALL SUBDIVISIONS, CHARGE AND DEPOSITS AGREEMENTS
15 PROVIDING FOR TELEPHONE, ELECTRIC AND GAS SERVICE, SHALL BE
16 EXECUTED BY THE SUBDIVIDER IN ACCORDANCE WITH THE
17 RESPECTIVE PUBLIC SERVICE COMPANY’S PROCEDURES. THESE
18 AGREEMENTS SHALL PROVIDE THAT THE SUBDIVIDER IS RESPONSIBLE
19 FOR ALL APPLICABLE CHARGES AND DEPOSITS IN ACCORDANCE WITH
20 THE APPLICABLE PUBLIC SERVICE COMMISSION RULES AND COMPANY
21 SERVICE TARIFFS, EVEN THOUGH BUILDING LOTS OF THE SAID
22 SUBDIVISION MAY BE SOLD, DEVELOPED OR IMPROVED BY THIRD
23 PARTIES. THE POSTING OF ALL REQUIRED DEPOSITS AND CHARGES

1 FOR UNDERGROUND TELEPHONE, GAS AND ELECTRIC SERVICES SHALL
2 OCCUR PRIOR TO THE EARLIER OF:

- 3 (A) THE CONVEYANCE OF ANY LOT OR LOTS IN THE SUBDIVISION; OR
4 (B) THE AWARDED OF ANY CONTRACT FOR THE CONSTRUCTION OF
5 REQUIRED PUBLIC OR PRIVATE IMPROVEMENTS WITHIN THE
6 SUBDIVISION.

7 (2) THE EXECUTED UNDERGROUND GAS, ELECTRIC AND TELEPHONE
8 AGREEMENTS SHALL BE DELIVERED BY THE SUBDIVIDER TO THE
9 APPROPRIATE PUBLIC SERVICE COMPANY PRIOR TO FINAL PLAT
10 APPROVAL.

11 (3) FOR ALL SUBDIVISIONS, OVERHEAD/UNDERGROUND RIGHT-OF-WAY
12 AGREEMENTS SHALL BE EXECUTED BY THE SUBDIVIDER, GRANTING
13 PUBLIC SERVICE COMPANIES THE RIGHT-OF-WAY ONTO THE
14 SUBDIVISION FOR THE PURPOSES OF OR RELATED TO PROVIDING OR
15 MAINTAINING TELEPHONE, GAS OR ELECTRIC SERVICE, EVEN THOUGH
16 BUILDING LOTS OF THE SAID SUBDIVISION MAY BE SOLD, DEVELOPED
17 OR IMPROVED BY THIRD PARTIES. THE EXECUTED
18 OVERHEAD/UNDERGROUND RIGHT-OF-WAY AGREEMENTS SHALL BE
19 EXECUTED AND DELIVERED BY THE SUBDIVIDER TO THE APPROPRIATE
20 PUBLIC SERVICE COMPANY PRIOR TO FINAL PLAT APPROVAL.

21 (4) FOR SUBDIVISIONS HAVING FRONTAGE ALONG AN EXISTING COUNTY
22 ROAD, A SIGNED DEED CONVEYING TO HARFORD COUNTY THE ROAD
23 IMPROVEMENT RIGHT-OF-WAY ALONG THE EXISTING COUNTY ROAD

1 FOR EACH LOT SHOWN ON THE FINAL PLAT SHALL BE SUBMITTED FOR
2 RECORDATION.

- 3 (5) FOR SUBDIVISIONS PROVIDING COMMON OPEN SPACE(S), ROADS
4 AND/OR PRIVATE UTILITIES, A COPY OF THE PROPOSED HOMEOWNERS'
5 ASSOCIATION ARTICLES OF INCORPORATION, BYLAWS, BUDGET,
6 DECLARATION OF COVENANTS AND RESTRICTIONS AND DECLARATION
7 OF COVENANTS FOR STORMWATER MANAGEMENT FACILITIES SHALL
8 BE SUBMITTED FOR RECORDATION WITH THE FINAL PLAT.

9 **§ 268-22. IMPROVEMENT PLANS AND SPECIFICATION.**

10 A. PRIOR TO APPROVAL OF THE FINAL PLAT, THE SUBDIVIDER SHALL PREPARE
11 AND SUBMIT TO THE DEPARTMENT OF PUBLIC WORKS PLANS FOR THE
12 CONSTRUCTION OF ALL REQUIRED IMPROVEMENTS, INCLUDING WATER AND
13 SEWER LINES AND FACILITIES, PUBLIC ROADS AND ROAD IMPROVEMENTS,
14 STORM DRAINS AND STORMWATER MANAGEMENT FACILITIES. SUCH PLANS
15 SHALL MEET THE APPROPRIATE DESIGN GUIDELINES AS ESTABLISHED IN THE
16 RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC WORKS AND IN
17 THE HARFORD COUNTY CODE, AS AMENDED.

18 B. IN THOSE SITUATIONS WHERE THE PRELIMINARY PLAN APPROVAL LETTER
19 HAS APPROVED THE USE OF PRIVATE ROADS, THE FINAL PLATS SHALL
20 CLEARLY INDICATE THAT THE ROADS ARE PRIVATE AND SHALL BEAR THE
21 NOTE "THE DEPARTMENT OF PUBLIC WORKS SHALL NOT IMPROVE OR
22 MAINTAIN PRIVATE ROADS."

§ 268-23. CONSTRUCTION OF IMPROVEMENTS OR POSTING OF BONDS.

UPON THE APPROVAL OF THE CONSTRUCTION DRAWINGS BY THE DEPARTMENT OF PUBLIC WORKS, THE SUBDIVIDER MAY PROCEED WITH THE CONSTRUCTION OF ALL IMPROVEMENTS. IN LIEU OF COMPLETING CONSTRUCTION PRIOR TO RECORDATION OF FINAL PLATS AND ISSUANCE OF BUILDING PERMITS, THE SUBDIVIDER MAY POST A PERFORMANCE GUARANTEE IN A FORM ACCEPTABLE TO THE COUNTY AND IN AN AMOUNT SUFFICIENT TO COVER THE COST OF ANY OR ALL OF THE REQUIRED IMPROVEMENTS AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.

§ 268-24. PROCESSING OF FINAL PLAT.

A. THE DEPARTMENT OF PLANNING AND ZONING SHALL ROUTE THE FINAL PLAT TO ALL APPROPRIATE AGENCIES FOR REVIEW AND SIGNATURE. UPON SIGNATURE BY THE COUNTY EXECUTIVE, THE PLAT SHALL BE TAKEN TO THE HARFORD COUNTY LAND RECORDS, ALONG WITH THE APPROPRIATE AGREEMENTS AND DOCUMENTS, AND SHALL BE RECORDED BY THE SURVEYOR OR AUTHORIZED PARTY.

B. ALL RECORD PLATS MUST BE RECORDED WITHIN 180 CALENDAR DAYS FROM THE DATE IT IS SIGNED BY THE HARFORD COUNTY EXECUTIVE.

C. IF A SUBDIVIDER DESIRES APPROVAL OF A FINAL PLAT IN ORDER TO RECORD THE PLAT BEFORE COMPLETION OR ACCEPTANCE BY THE COUNTY OF THE REQUIRED IMPROVEMENTS, THE SUBDIVIDER AND THE COUNTY SHALL EXECUTE A SUBDIVISION AGREEMENT, AND A COPY OF THE PLAT SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF HARFORD COUNTY, AND

THE PRINTS SHALL BE DISTRIBUTED AS FOLLOWS:

- (1) SUPERVISOR OF ASSESSMENTS (2 COPIES).
- (2) COUNTY HEALTH DEPARTMENT (2 COPIES).
- (3) DEPARTMENT OF PUBLIC WORKS (1 COPY).
- (4) DEPARTMENT OF PLANNING AND ZONING (2 COPIES).
- (5) MUNICIPALITIES (1 COPY IF SUBDIVISION LIES WITHIN A MILE OF TOWN OR CITY).

§ 268-25. ACCEPTANCE OF IMPROVEMENTS.

UPON SATISFACTORY COMPLETION AND ACCEPTANCE OF THE REQUIRED PUBLIC IMPROVEMENTS, PERFORMANCE GUARANTEES SHALL BE RELEASED AND ANY REQUIRED MAINTENANCE BONDS POSTED. THE SUBDIVIDER SHALL DEED THE ROADS TO HARFORD COUNTY IN FEE SIMPLE.

§ 268-26. PUBLIC RELEASE.

UPON SATISFACTORY COMPLETION AND ACCEPTANCE OF THE PUBLIC IMPROVEMENTS REQUIRED IN §268-12 (IMPROVEMENTS), THE COUNTY SHALL ACCEPT, BY DULY EXECUTED DEED, THE LANDS (TOGETHER WITH THEIR IMPROVEMENTS) RESERVED FOR ROADS OR STREETS UPON WHICH IMPROVEMENTS HAVE BEEN COMPLETED AND ACCEPTED.

ARTICLE VI. MISCELLANEOUS PROVISIONS

§ 268-27. MODIFICATIONS AND EXCEPTIONS.

IN ANY PARTICULAR CASE WHERE BY REASON OF EXCEPTIONAL TOPOGRAPHIC OR OTHER PHYSICAL CONDITIONS, STRICT COMPLIANCE WITH ANY REQUIREMENT OF THESE REGULATIONS WOULD CAUSE PRACTICAL DIFFICULTY OR

1 HARDSHIP, THE COUNTY MAY RELAX SUCH REQUIREMENT TO THE EXTENT
2 DEEMED JUST AND PROPER, SO AS TO RELIEVE SUCH HARDSHIP, PROVIDED SUCH
3 RELIEF MAY BE GRANTED WITHOUT DETRIMENT TO THE PUBLIC GOOD AND
4 WITHOUT IMPAIRING THE INTENT AND PURPOSES OF THESE REGULATIONS OR THE
5 DESIRABLE GENERAL DEVELOPMENT OF THE NEIGHBORHOOD AND THE
6 COMMUNITY IN ACCORDANCE WITH THE ADOPTED MASTER PLAN AND THE ZONING
7 CODE.

8 **§ 268-28. APPEALS.**

9 A. ANY INTERESTED PERSON WHOSE PROPERTY IS EFFECTED BY ANY DECISION
10 OF THE DIRECTOR OF PLANNING, MAY WITHIN 30 CALENDAR DAYS AFTER
11 THE FILING OF SUCH DECISION, APPEAL TO THE CIRCUIT COURT FOR
12 HARFORD COUNTY. UPON THE HEARING OF SUCH APPEAL, THE DECISION OF
13 THE DIRECTOR OF PLANNING SHALL BE PRESUMED BY THE COURT TO BE
14 PROPER AND TO BEST SERVE THE PUBLIC INTEREST. THE BURDEN OF PROOF
15 SHALL BE UPON THE APPELLANT, OR APPELLANTS, TO SHOW THAT THE
16 DECISION COMPLAINED OF WAS ILLEGAL. THE SAID COURT SHALL HAVE THE
17 POWER TO AFFIRM, MODIFY OR REVERSE IN PART OR IN WHOLE ANY
18 DECISION APPEALED FROM AND MAY REMAND ANY CASE FOR THE
19 ENTERING OF A PROPER ORDER OR FOR FURTHER PROCEEDINGS, AS THE
20 COURT SHALL DETERMINE.

21 B. AN APPEAL MAY BE TAKEN TO THE COURT OF SPECIAL APPEALS OF
22 MARYLAND FROM ANY DECISION OF THE CIRCUIT COURT FOR HARFORD
23 COUNTY.

1 **§ 268-29. VALIDITY.**

2 IF ANY SECTION, SUBSECTION, PARAGRAPH, SENTENCE OR PHRASE OF THESE
3 SUBDIVISION REGULATIONS IS FOR ANY REASON HELD TO BE INVALID BY A COURT
4 OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY
5 OF THE REMAINING PORTIONS THEREOF.

6 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
7 it becomes law.

EFFECTIVE: December 22, 2008

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*

Council Administrator

HARFORD COUNTY BILL NO. 08-45 As Amended

Brief Title Zoning Code – Subdivision Regulations

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date October 21, 2008

ENROLLED

Billy Bone
Council President

Date October 21, 2008

BY THE COUNCIL

Read the third time.

Passed: LSD 08-27

Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 21st day of October, 2008 at 8:35 p.m.

Barbara J. O'Connor
Council Administrator



BY THE EXECUTIVE

David R. Caey
COUNTY EXECUTIVE

APPROVED: Date October 21, 2008

BY THE COUNCIL

This Bill No. 08-45 As Amended having been approved by the Executive and returned to the Council, becomes law on October 21, 2008.

EFFECTIVE DATE: December 22, 2008

Barbara J. O'Connor
Barbara J. O'Connor, Council Administrator